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8 IN THE UNITED STATES DISTRICT COURT
9
10 FOR THE NORTHERN DISTRICT OF CALIFORNIA

11 UNITED STATES OF AMERICA,) No. CR 08-00324 DLJ
12)
Plaintiff,) STIPULATION FOR CONTINUANCE
13) AND EXCLUSION OF TIME UNDER
14 v.) THE SPEEDY TRIAL ACT, 18 U.S.C.
15) § 3161 ET SEQ.; **ORDER**
16 JAIME ESPINOZA-AMARILLAS)
17 Defendant.)

18 IT IS HEREBY STIPULATED, by and between the parties to this action, that the STATUS
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20 CONFERENCE currently scheduled for May 23, 2008, at 9:00 a.m. before the Honorable D. Lowell
21 Jensen, be continued to June **20**, 2008 at 9:00 a.m.

22 The requested continuance is sought under the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(8)(A)
23 and (B)(iv). The current status is that Mr. Espinoza-Amarillas is charged with a violation of 8
24 U.S.C. §1326. Mr. Espinoza-Amarillas made his initial appearance and was arraigned before
25 Magistrate Judge Edward Chen on May 15, 2008. The government anticipates providing discovery
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1 to the defense on May 21, 2008. That discovery is approximately 600 pages. The defense needs
 2 adequate time to review the voluminous discovery and to determine whether additional investigation
 3 is required, and the parties need adequate time to discuss the possibility of a negotiated disposition
 4 of the matter. For that reason, the parties stipulate to a continuance. The failure to grant such a
 5 continuance would unreasonably deny counsel for the defendant the reasonable time necessary for
 6 effective preparation, taking into account the exercise of due diligence.
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8 The parties further stipulate that the time from May 23, 2008 to June **20**, 2008 should be
 9 excluded in accordance with the provisions of the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(8)(A) and
 10 (B)(iv) for adequate preparation of counsel.
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 13 DATED: May 22, 2008

/S/

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 15 _____
 DANIEL KALEBA
 Assistant United States Attorney

16 DATED: May 21, 2008

/S/

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 COLLEEN MARTIN
 Assistant Federal Public Defender
 Counsel for Jaime Espinoza-Amarillas
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20 I hereby attest that I have on file all holograph signatures for any signatures indicated by a
 21 “conformed” signature (/S/) within this e-filed document.
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ORDER

GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that the status conference date in this case, currently scheduled for Friday, May 23, 2008 at 9:00 a.m. may be continued to Friday, June **20**, 2008, at 9:00 a.m. for status.

IT IS FURTHER ORDERED that the time from May 23, 2008 to June **20**, 2008, should be excluded in accordance with the provisions of the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(8)(A) and (B)(iv) for adequate preparation of counsel so that defense counsel can review discovery and begin any necessary investigation, and so that the parties can attempt to reach a settlement in this case. The Court finds that the ends of justice served by the granting of the continuance outweigh the best interests of the public and the defendant in a speedy and public trial and the failure to grant the requested continuance would unreasonably deny counsel the reasonable time necessary for effective preparation, taking into account due diligence.

SO ORDERED.

DATED: May 22, 2008



HONORABLE D. LOWELL JENSEN
United States District Judge